



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 2641-99
8 September 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 SER N130D/114-99 of 11 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5420
Ser N130D/114-99
11 JUN 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]

Ref: (a) RM3 Agabon's petition (DD Form 149) of 06 Apr 99

Encl: (1) BCNR File #02641-99 with microfiche service record

1. The following provides comment and recommendation on [REDACTED] petition.

2. [REDACTED] requests cancellation of a 13-month extension of enlistment so he can Selective Reenlistment Bonus (SRB) reenlist, back dated to the operative date of the extension of enlistment (reportedly for pre-commissioning unit duty). Petty Officer Agabon's petition states his initial request was denied due to a security clearance status error. N130 recommends deny Petty Officer Agabon's petition.

3. On 22 July 1997, [REDACTED] executed a (second) extension of enlistment; this extension was for 13 months. The reason give for the extension was to incur sufficient obligated service to accept BUPERS permanent change of station orders to the pre-commissioning BON HOMME RICHARD (LHD 6). The extension agreement clearly states that:

(1) the extension becomes binding upon execution (signing) and that it may not thereafter be cancelled, and

(2) that he understood the provisions of the SRB program and that the execution of the extension of enlistment could affect his entitlement to monetary benefits in a subsequent reenlistment.

These are the basis for denying [REDACTED] petition, and in no way result from a security clearance status error.

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF JOSHUA C.
[REDACTED]

Based on the information contained in P [REDACTED] petition, and his service record, there seem no extenuating circumstances that warrant waiver from Department of Defense and Navy policy.

4. BCNR case file with microfiche service record is returned herewith as enclosure (1).



SEAN G. NEILAN
Head, Enlisted Bonus
Programs Policy Section